

FILED '08 SEP 24 14:42 USDC-ORP

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON**

**UNITED STATES OF AMERICA**

**CR No. 08-100 (JO)**

**v.**

**MARK ALLYN HOFFMAN,  
Defendant.**

**SUPERSEDING INDICTMENT**  
**[18 U.S.C. § 2251(a) and (e)**  
**18 U.S.C. § 2252A(a)(1) and (b)(1)**  
**18 U.S.C. § 2252A(a)(2) and (b)(1)**  
**18 U.S.C. § 2252A(a)(5)(B)**  
**18 U.S.C. § 2253]**

**THE GRAND JURY CHARGES:**

**COUNT 1**  
**(Production of Child Pornography)**  
**18 U.S.C. § 2251(a) and (e)**

Between April 2004, and August 2005, in the District of Oregon, MARK ALLYN HOFFMAN, the defendant herein, knowingly employed, used, persuaded, induced, enticed, or coerced *TH*, a minor, to engage in sexually explicit conduct, namely the lascivious exhibition of the genitals and pubic area of said minor, for the purpose of producing visual depictions of such conduct, said visual depictions having been produced using materials that were mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, and said visual depictions having actually been transported in interstate or foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) and (e).

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**COUNT 2**  
**(Production of Child Pornography)**  
**18 U.S.C. § 2251(a) and (e)**

Between March 2006, and November 2007, in the District of Oregon, MARK ALLYN HOFFMAN, the defendant herein, knowingly employed, used, persuaded, induced, enticed, or coerced *TH*, a minor, to engage in sexually explicit conduct, namely the lascivious exhibition of the genitals and pubic area of said minor, for the purpose of producing visual depictions of such conduct, said visual depictions having been produced using materials that were mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, and said visual depictions having actually been transported in interstate or foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) and (e).

**COUNT 3**  
**(Production of Child Pornography)**  
**18 U.S.C. § 2251(a) and (e)**

Between June 2006, and November 2007, in the District of Oregon, MARK ALLYN HOFFMAN, the defendant herein, knowingly employed, used, persuaded, induced, enticed, or coerced *RH*, a minor, to engage in sexually explicit conduct, namely the lascivious exhibition of the genitals and pubic area of said minor, for the purpose of producing visual depictions of such conduct, said visual depictions having been produced using materials that were mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, and said visual depictions having actually been transported in interstate or foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) and (e).

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**COUNT 4**  
**(Transportation of Child Pornography)**  
**18 U.S.C. § 2252A(a)(1) and (b)(1)**

Between August 2005, and March, 2006, in the District of Oregon and the Western District of Washington, MARK ALLYN HOFFMAN, the defendant herein, did knowingly transport and ship in interstate commerce by any means, including by a computer, a visual depiction of child pornography, the production of which involved the use of *TH*, a minor, engaging in sexually explicit conduct and which visual depiction was of such conduct; all in violation of Title 18, United States Code, Section 2252A(a)(1) and (b)(1).

**COUNT 5**  
**(Transportation of Child Pornography)**  
**18 U.S.C. § 2252A(a)(1) and (b)(1)**

Between August 2005, and March, 2006, in the District of Oregon and the Western District of Washington, MARK ALLYN HOFFMAN, the defendant herein, did knowingly transport and ship in interstate commerce by any means, including by a computer, a visual depiction of child pornography, the production of which involved the use of *LH*, a minor, engaging in sexually explicit conduct and which visual depiction was of such conduct; all in violation of Title 18, United States Code, Section 2252A(a)(1) and (b)(1).

**COUNT 6**  
**(Distribution of Child Pornography)**  
**18 U.S.C. § 2252A(a)(2) and (b)(1)**

On or about August 31, 2006, in the District of Oregon and elsewhere, MARK ALLYN HOFFMAN, the defendant herein, did knowingly distribute child pornography, as defined in Title 18 United States Code, Section 2256(8), which contained visual depictions of *TH* and *RH*, actual minors engaging in sexually explicit conduct, such images having been transported in

interstate and foreign commerce by any means, including by a computer; all in violation of Title 18, United States Code, Section 2252A(a)(2) and (b)(1).

**COUNT 7**  
**(Distribution of Child Pornography)**  
**18 U.S.C. § 2252A(a)(2) and (b)(1)**

On or about October 1, 2006, in the District of Oregon and elsewhere, MARK ALLYN HOFFMAN, the defendant herein, did knowingly distribute child pornography, as defined in Title 18 United States Code, Section 2256(8), which contained visual depictions of *TH* and others, actual minors engaging in sexually explicit conduct, such images having been transported in interstate and foreign commerce by any means, including by computer; all in violation of Title 18, United States Code, Section 2252A(a)(2) and (b)(1).

**COUNT 8**  
**(Possession of Child Pornography)**  
**18 U.S.C. § 2252A(a)(5)(B)**

On or about November 6, 2007, in the District of Oregon, MARK ALLYN HOFFMAN, the defendant herein, knowingly possessed images of child pornography, as defined in Title 18 United States Code, Section 2256(8), which contained visual depictions of actual minors engaging in sexually explicit conduct, such images having been transported in interstate and foreign commerce by any means, including by computer; all in violation of Title 18 United States Code, Section 2252A(a)(5)(B).

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**FORFEITURE ALLEGATION**

Upon conviction of one or more of the offenses alleged in this indictment, defendant, MARK ALLYN HOFFMAN, shall forfeit to the United States pursuant to Title 18, United States Code, Section 2253, any and all matter which contains visual depictions produced, transported, shipped, and received in violation thereof, and any and all property used or intended to be used in any manner or part to commit or to promote the commission of the aforementioned violations, including without limitation the following:

1. Kodak EZ Share CX7220 Zoom Camera
2. Vivitar Vivicam 3765 Camera
3. Western Digital Hard Disk Model WD400 Serial #WMAD1A905167
4. Western Digital Hard Disk Model WD200 Serial #WMA6K6176978
5. Western Digital WD3200 Serial #WCAPD1117187
6. Multiple CD's, DVR's, and Thumb Drives

Dated this 24 day of September, 2008.

A TRUE BILL

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Presented by:

KARIN J. IMMERGUT  
United States Attorney

  
KEMP L. STRICKLAND, OSB #96118  
Assistant United States Attorney